



COUNCIL CHAMBERS

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

COUNCIL MEMBERS	REDEVELOPMENT AGENCY	FINANCING AUTHORITY
Dennis Kennedy, Mayor	Dennis Kennedy, Chair	Dennis Kennedy, President
Greg Sellers, Mayor Pro Tempore	Greg Sellers, Vice-Chair	Greg Sellers, Vice-President
Larry Carr, Council Member	Larry Carr, Agency Member	Larry Carr, Authority Commissioner
Hedy Chang, Council Member	Hedy Chang, Agency Member	Hedy Chang, Authority Commissioner
Steve Tate, Council Member	Steve Tate, Agency Member	Steve Tate, Authority Commissioner

WEDNESDAY, OCTOBER 6, 2004

AGENDA

JOINT MEETING

CITY COUNCIL SPECIAL AND REGULAR MEETING

and

REDEVELOPMENT AGENCY SPECIAL MEETING

and

MORGAN HILL FINANCE AUTHORITY COMMISSION

5:30 P.M.

A Special Meeting of the City Council and Redevelopment Agency, is called at 5:30 P.M. for the Purpose of Conducting Closed Sessions and City business. A Special meeting of the Morgan Hill Financing Authority Commission will be called at 7:00 p.m. to conduct City business.

**Dennis Kennedy, Mayor, Chairman, and
President of the Financing Authority Commission**

City of Morgan Hill
Special and Regular City Council,
Special Redevelopment Agency and
Morgan Hill Financing Authority Commission Meeting
October 6, 2004
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CALL TO ORDER

(Mayor/Chairperson/President Kennedy)

ROLL CALL ATTENDANCE

(City Clerk/Agency Secretary/Authority Secretary Torrez)

DECLARATION OF POSTING OF AGENDA

Per Government Code 54954.2

(City Clerk/Agency Secretary/ Authority Secretary Torrez)

5:30 P.M.

City Council Action and Redevelopment Agency Action

CLOSED SESSION:

1.

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Authority:	Government Code Sections 54956.9(b) & (c)
Number of Potential Cases:	4

2.

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Legal Authority	Government Code 54957
Public Employee Performance Evaluation:	City Manager
Attendees:	City Council, City Manager

OPPORTUNITY FOR PUBLIC COMMENT

ADJOURN TO CLOSED SESSION

RECONVENE

CLOSED SESSION ANNOUNCEMENT

7:00 P.M.

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

PROCLAMATIONS

Domestic Violence Awareness Month
Community Solutions - Amy Molica

PRESENTATION

Flu Shots
Health Trust - Cynthia York

CITY COUNCIL REPORT

Council Member Carr

CITY COUNCIL SUB-COMMITTEE REPORTS

CITY MANAGER'S REPORT

CITY ATTORNEY'S REPORT

OTHER REPORTS

PUBLIC COMMENT

NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS AGENDA.

(See notice attached to the end of this agenda.)

**PUBLIC COMMENTS ON ITEMS APPEARING ON THIS AGENDA WILL BE TAKEN AT THE TIME
THE ITEM IS ADDRESSED BY THE COUNCIL. PLEASE COMPLETE A SPEAKER CARD AND
PRESENT IT TO THE CITY CLERK.**

(See notice attached to the end of this agenda.)

**PLEASE SUBMIT WRITTEN CORRESPONDENCE TO THE CITY CLERK/AGENCY SECRETARY. THE
CITY CLERK/AGENCY SECRETARY WILL FORWARD CORRESPONDENCE TO THE CITY
COUNCIL/REDEVELOPMENT AGENCY.**

City Council Action

CONSENT CALENDAR:

ITEMS 1-15 The Consent Calendar may be acted upon with one motion, a second and the vote, by each respective Agency. The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

Time Estimate

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Consent Calendar: 1 - 10 Minutes

1. **TEMPORARY APPOINTMENT TO SOCCER SUBCOMMITTEE** **1**
 Recommended Action(s): **Appoint** Mayor Dennis Kennedy as a Temporary Replacement for Council Member Hedy Chang on the Soccer Subcommittee.
2. **REPORT OF THE LEGISLATIVE SUBCOMMITTEE** **3**
 Recommended Action(s): **Support** Proposition 1A and Proposition 59 on the November 2, 2004 Statewide Ballot.
3. **EMPLOYMENT AGREEMENT WITH THE CITY ATTORNEY** **5**
 Recommended Action(s): **Approve** the Second Amendment to the Employment Agreement with the City Attorney, Extending the Term of the Agreement to September 1, 2006.

Time Estimate

Consent Calendar: 1 - 10 Minutes

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4. **SECOND AMENDMENT TO AGREEMENT WITH THE STROMBOTNE LAW FIRM**..... 19
Recommended Action(s): Authorize the City Manager to Execute a Second Amendment to Agreement with the Strombotne Law Firm.

5. **SECOND AMENDMENT TO AGREEMENT WITH THE LAW FIRM OF JORGENSEN, SIEGEL, McCLURE & FLEGEL, LLP**..... 31
Recommended Action(s): Authorize the City Manager to Execute a Second Amendment to Agreement with the Law Firm of Jorgenson, Siegel, McClure & Flegel, LLP.

6. **APPROVAL OF REIMBURSEMENT AGREEMENT WITH PRAVIN PATEL FOR 16995 CONDIT ROAD** 43
Recommended Action(s):
 1. **Approve** an Appropriation of \$41,313 from the Current Year Unappropriated Measure C – Capital Improvement Project Fund Balance for Reimbursement of Installation of Curb and Gutter, Sidewalk, Street Pavement, Striping, and Electroliers along the Southeast Frontage of 16995 Condit Road; and
 2. **Authorize** the City Manager to Execute the Reimbursement Agreement on Behalf of the City, Subject to Review and Approval by the City Attorney.

7. **REUSE GRANT AUTHORIZATION**..... 47
Recommended Action(s): Authorize the City Manager to Execute all Necessary Documents; Including, but not Limited to, Applications, Agreements Subject to Review and Approval of City Attorney, Amendments, and Payment Requests to Secure Grant Funds and to Implement and Carry Out the Purposes Specified in the Grant.

8. **APPROVAL OF AMENDMENT TO PROFESSIONAL SERVICES CONTRACT FOR THE BUTTERFIELD BOULEVARD NORTH CONNECTION FEASIBILITY STUDY** 51
Recommended Action(s): Authorize the City Manager to Execute an Amendment in the Amount of \$11,120 to the City’s Professional Services Agreement with Fehr and Peers to Study Alignment and Rail Crossing Alternatives for the Northerly Segment of Butterfield Boulevard.

9. **APPROVAL OF SUBDIVISION IMPROVEMENT AGREEMENT WITH MORGAN HILL DEVELOPMENT PARTNERS, L.P. – SUTTER PLACE, APN: 726-25-012 & 029**..... 57
Recommended Action(s):
 1. **Approve** the Subdivision Improvement Agreement; and
 2. **Authorize** the City Manager to Sign the Agreement on Behalf of the City with Morgan Hill Development Partners, L.P., Digital Drive (APN: 726-25-012 & 029).

10. **RECISSION OF WATER SUPPLY EMERGENCY RESOLUTION AND STATUS OF PERCHLORATE REMOVAL PLANTS**..... 69
Recommended Action(s):
 1. **Adopt** the Resolution Ending the Water Supply Emergency; and
 2. **Accept** the Status Report on Perchlorate Removal Plants.

Time Estimate

Consent Calendar: 1 - 10 Minutes

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11. **ADOPT ORDINANCE NO. 1695, NEW SERIES**73
Recommended Action(s): **Waive** the Reading, and **Adopt** Ordinance No. 1695, New Series, and **Declare** That Said Title, Which Appears on the Public Agenda, Shall be Determined to Have Been Read by Title and Further Reading Waived; Title as Follows: **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL AMENDING THE ZONING DESIGNATION FROM ML, LIGHT INDUSTRIAL TO PLANNED UNIT DEVELOPMENT FOR A 7.72-ACRE PARCEL LOCATED AT THE NORTHWEST CORNER OF COCHRANE ROAD AND MADRONE PARKWAY IN THE MADRONE BUSINESS PARK (APN 726-33-028)(ZA-04-11: COCHRANE - TBI).**

12. **ADOPT ORDINANCE NO. 1696, NEW SERIES**79
Recommended Action(s): **Waive** the Reading, and **Adopt** Ordinance No. 1696, New Series, and **Declare** That Said Title, Which Appears on the Public Agenda, Shall be Determined to Have Been Read by Title and Further Reading Waived; Title as Follows: **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL AMENDING THE ZONING DESIGNATION FROM PUD, RESEARCH AND DEVELOPMENT/MANUFACTURING TO PUD, R3 MEDIUM DENSITY RESIDENTIAL FOR TWO PARCELS TOTALING 15.78 ACRES IN SIZE, LOCATED AT THE SOUTHEAST CORNER OF COCHRANE ROAD AND MONTEREY ROAD IN THE MORGAN HILL RANCH BUSINESS PARK (APNs 726-25-076 & -077) (ZA-04-09: BUTTERFIELD – SOUTH VALLEY DEVELOPERS).**

13. **ADOPT ORDINANCE NO. 1697, NEW SERIES**85
Recommended Action(s): **Waive** the Reading, and **Adopt** Ordinance No. 1697, New Series, and **Declare** That Said Title, Which Appears on the Public Agenda, Shall be Determined to Have Been Read by Title and Further Reading Waived; Title as Follows: **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING A SET OF DEVELOPMENT STANDARDS AND ARCHITECTURAL GUIDE LINES FOR THE DE PAUL (FORMERLY SAINT LOUISE) HEALTH CENTER. (APNs 728-031-005, 006, 012 & 013) (ZA-04-02: COCHRANE-ASSISTED LIVING CENTER).**

14. **ADOPT ORDINANCE NO. 1698, NEW SERIES**101
Recommended Action(s): **Waive** the Reading, and **Adopt** Ordinance No. 1698, New Series, and **Declare** That Said Title, Which Appears on the Public Agenda, Shall be Determined to Have Been Read by Title and Further Reading Waived; Title as Follows: **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING A DEVELOPMENT AGREEMENT WITH DAN GAMEL, INC. FOR THE EXPANSION OF DAN GAMEL’S MORGAN HILL RECREATIONAL VEHICLE (RV) CENTER.**

15. **RE-BUDGETING 2003-2004 PROJECTS/PROGRAMS** 105
Recommended Action(s): **Approve** the Re-budgeting of 2003-2004 Project/Program Costs in the 2004-2005 Budget.

City Council and Redevelopment Agency Action

CONSENT CALENDAR:

ITEMS 16-17

	Estimate		Page
	Consent Calendar: 1 - 10 Minutes		
16.	<u>APPROVE JOINT SPECIAL AND REGULAR CITY COUNCIL AND SPECIAL REDEVELOPMENT AGENCY MEETING MINUTES OF SEPTEMBER 15, 2004</u>		125
17.	<u>APPROVE JOINT SPECIAL AND REGULAR REDEVELOPMENT AGENCY AND SPECIAL CITY COUNCIL MEETING MINUTES OF SEPTEMBER 22, 2004</u>		149

City Council Action

PUBLIC HEARINGS:

	Time Estimate		Page
18.	5 Minutes	<u>DEVELOPMENT AGREEMENT, DA-04-03: DeWITT-LATALA</u>	161
		Public Hearing Opened.	
		Please Limit Your Remarks to 3 Minutes. Public Hearing Closed	
		Council Discussion.	
		Action- <u>Motion to Waive</u> the Reading in Full of Development Agreement Ordinance.	
		Action- <u>Motion to Introduce</u> Development Agreement Ordinance by Title Only. (Roll Call Vote)	
19.	10 Minutes	<u>ZONING AMENDMENT, ZAA-03-13: CITY OF MORGAN HILL – ATTACHED HOUSING ZONING TEXT</u>	185
		Public Hearing Opened.	
		Please Limit Your Remarks to 3 Minutes. Public Hearing Closed	
		Council Discussion.	
		Action- <u>Motion to Waive</u> the Reading in Full of Ordinance.	
		Action- <u>Motion to Introduce</u> Ordinance by Title Only. (Roll Call Vote)	

City Council Action

OTHER BUSINESS:

	Time Estimate		Page
20.	5 Minutes	<u>LIVESTOCK REGULATIONS</u>	215
		<u>Recommended Action(s): Request</u> the Planning Commission to Consider Revisions to the Livestock Regulations in Residential and Commercial Zones.	

City Council and Redevelopment Agency Action

OTHER BUSINESS:

	Time Estimate		Page
21.	10 Minutes	<u>LEASE WITH THE CALIFORNIA YOUTH SOCCER ASSOCIATION (CYSA)</u>	219
		<u>Recommended Action(s):</u> <u>Provide</u> Parameters for Negotiating a Lease Extension with CYSA to Continue Using the Future Location of the Sports Complex as a CYSA Regional Soccer Complex.	

City Council and Financing Authority Action

OTHER BUSINESS:

	Time Estimate		Page
22.	5 Minutes	<u>ISSUANCE OF BONDS FOR WATER PROJECTS</u>	221
		<u>Recommended Action(s):</u>	
		<u>Acting as City Council:</u>	
		1. <u>Adopt</u> Resolution Approving as to Form and Authorizing the Execution and Delivery of Certain Documents in Connection with the Sale and Issuance of Morgan Hill Financing Authority Water Revenue Bonds.	
		<u>Acting as Financing Authority:</u>	
		2. <u>Adopt</u> Resolution Authorizing the Issuance, Sale, and Delivery of Water Revenue Bonds and Approving Certain Documents.	
		<u>Acting as City Council:</u>	
		3. <u>Authorize</u> the City Manager, on Behalf of the City, to Enter Into Agreements With RBC Dain Rauscher Inc. for Financial Advisory Services and with Richards, Watson & Gershon for Bond Counsel/Disclosure Counsel Services, Subject to Review and Approval by the City Attorney.	

FUTURE COUNCIL-INITIATED AGENDA ITEMS:

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

ADJOURNMENT